

December 6, 1999

TO: State Board of Health Members

FROM: Doreen Garcia
Senior Policy Advisor

RE: Revised Draft Inventory of State Board of Health Authority

Attached is a revised preliminary draft inventory of the current powers and duties of the State Board of Health identified in the Revised Code of Washington (as of November 16, 1999). **This draft should not be viewed as definitive as it has not yet been reviewed by the Board.** Moreover, we have not yet reconciled the Board's authority with the authority of the state Department of Health or that of other agencies. Nevertheless, it is a detailed inventory of statutory authority the Board has in law for you to consider as we develop plans and strategies in our priority health areas.

In summary, it appears that the State Board of Health must provide a forum for development of public health policy in Washington State. The Board has extensive authority to adopt rules it deems necessary to protect the public's health. In general, local health officers and administrators must enforce the Board's rules or face consequences the Board may impose. In addition, private physicians and other health care professionals, public officials, businesses, and private individuals all must comply with the Board's rules or face consequences the state or other enforcement agents may impose. The Board has more specific authority in certain areas, including:

- safe and reliable drinking water;
- prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes;
- environmental conditions that threaten public health;
- prevention and control of infectious and noninfectious disease; and
- health data, including vital statistics.

The inventory identifies several statutes that seem to confer powers on the Board many may not be aware of. These include:

- The responsibility to define screening requirements for all newborn infants to detect heritable and metabolic disorders (genetic testing). 70.83.020 RCW.
- The power to remove a local health officer or administrative officer who refuses or neglects to enforce any rule, regulations, or orders of the Board to protect the health of the people. (Others who do not follow the rules, regulations, or orders of the Board may be guilty of a misdemeanor and may be fined. This appears to include members of local boards of health.) 70.05.120 RCW.
- Providing guidelines to counties and local boards of health for maintaining and operating a health district. Chapter 70.46.090 RCW
- Providing grant-in-aid payments with state funds (presumably if such funds were appropriated to the Board) to assist in the operation of local health departments in accordance with Board standards. Chapter 43.20.200 RCW.

We look forward to discussing this inventory with you. Please feel free to contact me at (360) 236-4101 or Don Sloma at (360) 236-4102 if you have any questions.

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Title	RCW	Public Forum	Conduct Research	Increased Public Awareness	Recommend Action to Others	Regulatory Authority	Comment
<i>Overall State Board of Health</i>							
Powers and duties of SBOH	43.20.050	X	X	X	X	X	Provide a forum for development of public health policy in WA. Recommend to the Secretary of Health means for obtaining citizen and professional involvement in all public health and policy formation and other matters related to the powers and duties of the department. Hold hearings and explore ways to improve the health status of the citizenry. Adopt rules necessary to assure safe and reliable public drinking water. Adopt rules and standards for prevention, control and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants. Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities. Adopt rules for the imposition and use of isolation and quarantine. Adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of deceased persons and such other sanitary matters. Adopt rules for accessing existing data bases for the purposes of performing health related research. May delegate any of the Board's rule-adopting authority to the Secretary and rescind it. (Includes addressing special health care needs of racial and ethnic populations to improve their health status)

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Title	RCW	Public Forum	Conduct Research	Increased Public Awareness	Recommend Action to Others	Regulatory Authority	Comment
Annual report	43.20.100		X	X	X		Provide an annual report to the Governor, including suggestions for Legislative action.
Public Health Improvement Plan	43.70.520				X		Provide consultation to DOH on the PHIP.
<i>Immunization Policy</i>							
Immunization program—definitions	28A.210.070					X	Approve certain schedules and immunizing agents for immunizations against vaccine-preventable diseases.
Immunization program—attendance of child conditioned upon representation of proofs	28A.210.080					X	Establish rules for proof (1) full immunization or (2) initiation and compliance with immunization, for attendance of every child at every public or private school and licensed day care center.
Source of Immunizations-written records	28A.210.100					X	Regulate immunizations given, records made, and form used.
<i>Visual and Auditory Screening</i>							
Visual and Auditory Screening	28A.210.020	X				X	Set procedures and standards adopted by rule or regulation for every board of school directors to use to provide for and require visual an auditory acuity of all children attending school. Consult the Superintendent of Public Instruction.
Visual and Auditory Screening	28A.210.040				X		Recommend records and forms to be used by the Superintendent of Public Instruction for making and reporting screenings.
<i>Vital Statistics</i>							
Certificates generally	70.58.055					X	Require pertinent information relative to birth and manner of delivery that will be kept confidential (in addition to federal requirements for national vital statistics). May eliminate information from forms not necessary for statistical study.

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Title	RCW	Public Forum	Conduct Research	Increased Public Awareness	Recommend Action to Others	Regulatory Authority	Comment
Filing of birth certificates	70.58.080					X	Prescribe the time and form a birth certificate shall be filed for when an infant is found with no known birth certificate.
New certificate of birth-legitimation, paternity	70.58.095					X	Regulate when and with what evidence a new birth certificate can be issued.
Local registrars	70.58.020					X	Remove local health officer as registrar upon findings of evidence of neglect in performance of registrar duties.
<i>Heritable and Metabolic Disorders</i>							
Screening tests of newborn infants	70.83.020					X	Define screening tests of all newborn infants to detect phenylketonuria and other heritable or metabolic disorders leading to mental retardation or physical defects.
Report of positive phenylketonuria test to DOH	70.83.030					X	Require agencies requesting or performing other heritable and metabolic disorders tests to report positive results to DOH.
Phenylketonuria testing	70.83.050					X	Adopt regulations necessary to carry out intent of this chapter.
<i>Permits</i>							
Application for permit: Outdoor music festival	70.108.040					X	Adopt rules, regulations and standards, including criteria to protect the public's health: submission of plans, site, water supply, sewage disposal, food preparation facilities, toilet facilities, solid waste, insect and rodent control, shelter, dust control, lighting, emergency medical facilities, emergency air evacuation, attendant physicians, and communication systems.
Food handler permit fee	69.06.020		X			X	Set a uniform fee across the state for food handler permits that reflects the actual costs of food handler training and education, administration of the program, and testing of applicants.

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Title	RCW	Public Forum	Conduct Research	Increased Public Awareness	Recommend Action to Others	Regulatory Authority	Comment
Food and beverage service workers permit	69.06.010					X	Prescribe the food and beverage service worker's permit. Adopt rules for minimum training requirements developed by DOH in conjunction with local health jurisdictions and representatives of the food service industry.
<i>EMS/Trauma</i>							
Emergency medical services and trauma care system plan	70.168.015			X	X		Consider the statewide plan (including objectives and priorities) in preparation of the SBOH biennial state health report.
<i>Contagious Diseases</i>							
Sexually Transmitted Disease (STDs)-Definitions	70.24.017					X	Determine any bacterial, viral, fungal or parasitic disease to be transmitted sexually, to be a threat to the public health and to be a disease for which a legitimate public interest will be served by providing for regulation and treatment. Designate chanacroid, gonorrhea, granuloma innuinale, lymphogranuloma venereum, genital herpes simplex, chlmaydia, nongonococcal utrethritis, trachomitis, genital human papilloma virus infection, syphilis, AIDS, HIV as STDs and follow the recommendations of the CDC or other nationally recognized medical authorities in designating other STDs.
Contagious diseases, limiting contact	28A.210.010					X	After consulting the Superintendent of Public Instruction, adopt reasonable rules regarding the presence of people on school premises who have, or who have been exposed to, contagious diseases deemed by the Board to be dangerous.
Contagious diseases, reports by local health officials and physicians	70.05.110					X	Specify contagious or infectious diseases which must be reported to the Board.

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Title	RCW	Public Forum	Conduct Research	Increased Public Awareness	Recommend Action to Others	Regulatory Authority	Comment
Physicians to report diseases	70.05.090		X?			X	Within 24 hours, a physician attending someone sick with a dangerous contagious or infectious disease designated by the SBOH shall report it to the local health official or DOH.
<i>Tuberculosis</i>							
Due process standards for testing, treating and detaining (see local health officials, 70.28.035 above)	70.28.032					X	Adopt rules establishing the requirements for reporting confirmed or suspected cases of TB; standards for health officers exercising their right to involuntarily detain, test, treat, or isolate people with suspected or confirmed cases of TB; and training of people to perform TB testing and treatment.
<i>Funeral Directors</i>							
Embalmers	18.39.215					X	Determine embalming requirements
Inspector of funeral directors and embalmers	18.39.170						Promulgate rules and regulations for the DOL Inspector of funeral directors to enforce.
<i>Scoliosis</i>							
Screening program for scoliosis –examination of children	28A.210.200					X	Adopt standards and procedures in consultation with DOH and the Superintendent of Public Instruction for examining children attending public schools at least 3 times between grades 4 - 11.
Services to crippled children	43.20.140					X	Director of SBOH shall be empowered to promulgate rules and regulations to carry out purpose of 43.20A.635.
<i>Hazardous Substances/Contamination</i>							
Contaminated property-rules and standards	64.44.010 69.43.070					X	Promulgate rules and standards for carrying out provisions to protect people from harm by properties contaminated with hazardous chemicals.

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Title	RCW	Public Forum	Conduct Research	Increased Public Awareness	Recommend Action to Others	Regulatory Authority	Comment
Shellfish							
Rules and Regulations	69.30.030					X	Adopt rules determining reasonable requirements governing the sanitation of shellfish, shellfish growing areas and shellfish plant facilities and operations in order to protect public health.
Possession or sale in violation	69.30.110					X	Adopt rules for the disposal of seized shellfish.
Water recreation							
Modification or construction of facility	70.90.160					X	Establish design and construction requirements for water recreational facilities.

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Title	RCW	Public Forum	Conduct Research	Increased Public Awareness	Recommend Action to Others	Regulatory Authority	Comment
<i>On-Site Sewage</i>							
Authority to construct system	35.67.020					X	Approve training programs for pumping a septic tank of an on-site sewage system, including actual measurement of accumulation of sludge and scum.
Authority to acquire and operate sewage and solid waste handling systems, plants, etc.	35.92.020					X	Approve training programs for pumping a septic tank of an on-site sewage system, including actual measurement of accumulation of sludge and scum.
Water sewer districts-powers	57.08.005					X	Approve training programs for pumping a septic tank of an on-site sewage system, including actual measurement of accumulation of sludge and scum.
Purpose-powers-sewage, water or draining systems	36.94.020					X	Approve training programs for pumping a septic tank of an on-site sewage system, including actual measurement of accumulation of sludge and scum.
Enforcement of ordinance	35.88.020		X			X	Promulgate rules to protect the purity of the water supply to be enforced by "special policemen" in cities and towns.
<i>Water Systems—(incomplete)</i>							
Development of water system plans for critical water supply service areas	70.116.050					X	
Adoption of more restrictive standards	70.118.050						
Public water systems-mandate	70.119A.060						
Public water systems-valuation	8.25.280						

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Title	RCW	Public Forum	Conduct Research	Increased Public Awareness	Recommend Action to Others	Regulatory Authority	Comment
<i>DOH/SBOH Integration</i>							
Powers and duties of Secretary of Health	43.70.130	X	X	X	X	X	Receive reports from the Secretary of Health on the preservation, promotion, and improvement of health, causes of morbidity and mortality, and effects of the environment and other conditions upon public health; and take necessary action.
Delegation of authority	43.20.050					X	May delegate rule-adoption authority to Secretary of Health and rescind such delegated authority.
Regulation of health professionals	18.120.040	X			X		SBOH and DOH shall make recommendations based on reports submitted by applicant groups to the extent requested by legislative committees. (sunrise reviews)
Pesticide poisonings-reports	70.104.055					X	Establish rules for the manner of reporting and timing for a health care provider to report a suspected case of pesticide poisoning to DOH. Specify the time period by which DOH shall investigate the report.
Pesticide poisonings-medical education program	70.104.057				X		Advise DOH on a program of medical education to alert health care providers to the symptoms, diagnosis, treatment and reporting of pesticide poisonings
Animals-purpose	16.770.010		X	X	X	X	SBOH and DOH are authorized to take necessary action to control the sale, importation, movement, transfer, or possession of animals to protect public health and welfare.
<i>Consult other agencies</i>							
Director to consult with SBOH	43.21A.140				X		Provide consultation to the Director of Ecology on issues pertaining to the preservation of life and health to assure integration and common policies.
Salon/shop requirements	18.16.175				X		Provide consultation to the Department of Licensing (DOL) on minimum safety and sanitation requirements for salons/shops.

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Title	RCW	Public Forum	Conduct Research	Increased Public Awareness	Recommend Action to Others	Regulatory Authority	Comment
Issue of licenses for cosmetology	18.16.100				X		Provide consultation to DOL on training and examination requirements.
Local Health Jurisdictions							
Violations-remedies-penalties (related to local health officers and administrators)	70.05.120		X			X	Power to remove local health officer or administrative officer who refuses or neglects to enforce any rules, regulations, or orders from SBOH to protect the health of the people.
District health funds	70.46.080					X	Provide guidelines to counties and local boards of health for maintaining and operating a health district.
Contracts for sale or purchase of health services authorized	70.05.150					X	Approve contracts by local health departments or districts for the sale or purchase of any or all health services from a local health department.
Withdrawal of county	70.46.090					X	Set standards for health services to be used by a county if it withdraws from a health district.
Grant-in aid payments for local health departments	43.20.200				X	X	Authorized to provide grant-in-aid payments with state funds to assist in the operation of local health departments in accordance with SBOH standards.
Local health officials and physicians to report contagious diseases	70.05.110		X			X	Specify contagious or infectious diseases, including but not limited to Asiatic cholera, yellow fever, smallpox, scarlet fever, diphtheria, typhus, typhoid fever, bubonic plague or leprosy. Local health officials, and physicians where there is no local health official, must report discovery of or existence of any of these.
Mobile home health and sanitation standards	59.20.190					X	Adopt rules setting health and sanitation standards for mobile home parks to be enforced by local health jurisdictions.